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DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-217043

DATE: November 26, 1984

MATTER OF: Fraser-Volpe Corporation

DIGEST:

A protest that no other firm is able to comply with a solicitation's delivery requirements or provide a source controlled component is a protest against the proposed awardee's responsibility. GAO will not review affirmative responsibility determinations unless there has been a showing of possible fraud or bad faith on the part of procuring officials or that definitive responsibility criteria have not been properly applied.

Fraser-Volpe Corporation (FVC) protests the award of any contract by the Department of the Army under request for proposals (RFP) No. DAAA09-84-R-0099 to any offeror that does not have a valid quotation from FVC for a disk assembly for the gun sight. FVC further states that no other company has a quotation for this assembly and its delivery schedule for outside firms would extend beyond the schedule required by the RFP. FVC contends that this assembly is essential to the gun sight and FVC is its only approved source.

The protest is dismissed.

FVC's assertion that no other company can legitimately comply with the requirements of the solicitation is a challenge to the capacity of any other offeror to satisfy the terms of the contract and thus is a protest against the affirmative determination of responsibility that the contracting officer must make before any contract is awarded. Our Office will not review a protest of an affirmative determination of responsibility unless there is a showing of possible fraud or bad faith on the part of the procuring officials or the solicitation contains definitive responsibility criteria which

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allegedly have been misapplied. 4 C.F.R. § 21.3(1984).
FVC has not shown that either exception can be applied
here.

The protest is therefore dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
General Counsel